

ESTTA Tracking number: **ESTTA600201**

Filing date: **04/23/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Ragnar Relay, LLC
Granted to Date of previous extension	04/23/2014
Address	12 South 400 West, 2nd Floor, Salt Lake City, UT 84101 UNITED STATES
Attorney information	Preston C. Regehr TechLaw Ventures, PLLC 3290 W. Mayflower Way Lehi, UT 84043 UNITED STATES pto@techlawventures.com

### Applicant Information

Application No	86006891	Publication date	12/24/2013
Opposition Filing Date	04/23/2014	Opposition Period Ends	04/23/2014
Applicant	hoplite athletics llc 558 old stamford road new canaan, CT 06840 UNITED STATES		

### Goods/Services Affected by Opposition


Class 025. First Use: 2013/07/01 First Use In Commerce: 2013/07/01  
All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3461822	Application Date	11/13/2007
Registration Date	07/08/2008	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of a stylized crown.
Goods/Services	Class 041. First use: First Use: 2007/01/08 First Use In Commerce: 2007/01/08 Entertainment in the nature of conducting a relay race; encouraging sports, exercise and physical education by organizing, promoting, sponsoring, sanctioning, conducting, administering, regulating and governing athletic programs and activities; Entertainment services, namely, participation in a relay event; Organizing community sporting events; Organizing sporting events, namely, relay races

U.S. Registration No.	3977763	Application Date	11/03/2010
Registration Date	06/14/2011	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of a stylized crown.		
Goods/Services	Class 025. First use: First Use: 2007/01/08 First Use In Commerce: 2007/01/08 Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms		

Attachments	77328669#TMSN.jpeg( bytes ) 85168643#TMSN.jpeg( bytes ) Opposition -- Ragnar Events, LLC v Hoplite Athletics LLC per RHONE and Design.pdf(333390 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Preston C. Regehr/
Name	Preston C. Regehr
Date	04/23/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

RAGNAR EVENTS, LLC	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
HOPLITE ATHLETICS LLC	)	
	)	
Applicant.	)	
	)	

Cancellation No. \_\_\_\_\_

Applicant: HOPLITE ATHLETICS LLC

Mark: RHONE and Design

Filing Date: July 10, 2013

Serial Number: 86/006,891

Intl. Class: 25

Published in the Official Gazette on December 24, 2013

Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**NOTICE OF OPPOSITION**

Opposer Ragnar Events, LLC, a Utah limited liability company (“Opposer”), having a business address at 12 South 400 West, 2nd Floor, Salt Lake City, Utah 84101, believes that it is being damaged, and will be damaged, by registration of the mark RHONE and Design covering “athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms” in International Class 25, shown in Application Serial Number. 86/006,891 (the “Opposed Application”) and hereby opposes the same.

As grounds for its opposition, Opposer alleges that:

1. Upon information and belief, Hoplite Athletics LLC is a liability company organized under the laws of the State of Delaware, with an address at 558 Old Stamford Road, New Canaan, CT 06840, and is the applicant and listed owner of record of the Opposed Application which is for the mark “RHONE” and a Design, shown below, covering “athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms”, in International Class 25, and filed on July 10, 2013 under Section 1(a) of the Trademark Act.



2. Opposer is in the business of conducting Ragnar® relay and other races for runners, and selling various goods, including clothing, and is owner of the following U.S. Registrations, both for the below design mark: (a) number 3461822, which registered July 8, 2008, for use with “*entertainment in the nature of conducting a relay race; encouraging sports, exercise and physical education by organizing, promoting, sponsoring, sanctioning, conducting, administering, regulating and governing athletic programs and activities; entertainment services, namely, participation in a relay event; organizing community sporting events; organizing sporting events, namely, relay races*” in International Class 41; and (b) number 3977763, which registered June 14, 2011, “*athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms*” in International Class 25. The design mark in said registrations is shown here below (hereinafter, “Opposer’s Design”).



3. The individual owners of Applicant have run as paying participants in Opposer's Ragnar Relay races. In 2013, before filing the Opposed Application, Applicant actively sought from Opposer its sponsorship, affiliation, and endorsement for Applicant and Applicant's clothing products, which Applicant then intended to brand with the below word and design mark, which mark was the subject of intent-to-use based application serial number 85761473, filed October 23, 2012, for use "*athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms*" in Class 25, but that application was abandoned December 30, 2013.



4. When in 2013 Applicant realized that Opposer was not willing to sponsor or endorse Applicant's clothing and other products, and that Opposer would not license Applicant to use Opposer's Design, Applicant adopted the mark in the Opposed Application, intending to trade on Opposer's good will in Opposer's Design.

5. Both Opposer and Applicant sell their clothing and other goods through under their respective design marks, though Internet websites, with Opposer's goods available for purchase at this site: <http://www.ragnarrelay.com> and Applicant's goods available for purchase at this site: <http://rhoneapparel.com>.

6. In view of the similarity of the parties' respective design marks and the substantially identical nature of the parties' clothing goods, Opposer alleges that Applicant's mark in the Opposed Application so resembles Opposer's Design as to be likely to cause confusion, or to cause mistake, or to deceive. Opposer's Design mark, and the design in the Opposed Application, are confusingly similar and substantially identical.

7. The Opposed Application as filed constitutes, and will if registered constitute, a fraud on the United States Patent and Trademark Office, and a fraud on the public because of false statements in Applicant's application.

8. Applicant did not use, in interstate commerce or commerce that Congress can regulate, the mark in the Opposed Application with all of the listed goods, namely, "shirts, pants, jackets, footwear, hats and caps, athletic uniforms" at least as early as July 7, 2013, nor was it in use by the application filing date of July 10, 2013.

9. On information and belief, Applicant has intentionally made false and misleading statements in the Opposed Application as to its dates of first use of the mark in the Opposed Application.

WHEREFORE, Opposer respectfully requests that (1) the mark shown in Application Serial No. 86006891 be refused registration, (2) said Opposed Application should be canceled, and (3) this opposition be sustained.

Respectfully submitted,

Ragnar Events, LLC

By: 

Preston C. Regehr  
TechLaw Ventures, PLLC  
3290 W. Mayflower Way  
Lehi, Utah 84043  
Telephone: (801) 805-3688

Attorneys for Opposer

Dated: April 23, 2014

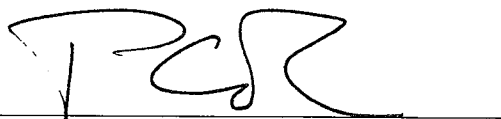
## CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF OPPOSITION** has served via U.S. Mail on the 23<sup>th</sup> day of April 23, 2014, upon:

Hoplite Athletics LLC  
558 Old Stamford Rd  
New Canaan, CT 06840-6616

Dated April 23, 2014

By

A handwritten signature in black ink, appearing to read 'P. Regehr', written over a horizontal line.

Preston C. Regehr  
TechLaw Ventures, PLLC  
3290 W. Mayflower Way  
Lehi, Utah 84043  
Telephone: (801) 805-3688

Attorneys for Opposer